

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Basin Electric Power Cooperative,)
)
Plaintiff,) **ORDER OF DISMISSAL**
)
vs.)
)
MPS Generation, Inc., Mechanical Plant) Case No. 1:05-cv-029
Services of North Carolina, Inc.,)
Light Logix, Inc., Lacy M. Henry,)
Judy Henry, and Keith D. Henry,)
)
Defendant.)

On October 17, 2007, Basin Electric Power Cooperative (“Basin Electric”) and MPS Generation, Inc., Mechanical Plant Services of North Carolina, Inc., Light Logix, Inc., Lacy M. Henry, Judy Henry, and Keith D. Henry (“MPSG”), filed a Stipulation and informed the Court that they have reached an agreement to resolve this dispute.

The Court **ADOPTS** the stipulation in its entirety (Docket No. 46) and **ORDERS** as follows:

- 1) Basin Electric’s complaint and MPSG’s counterclaims are dismissed with prejudice and without costs to any of the parties.
- 2) The preliminary injunction issued by this Court on March 21, 2005, shall be dissolved.
- 3) In accordance with the Bankruptcy Order, the full amount of money (principal and interest) contained in the EPC Escrow Account maintained by the Escrow Agent shall be disbursed to MPSG. The Escrow Agent shall disburse the balance of the funds in the EPC Escrow Account to MPSG and provide MPSG and Basin Electric a history of the Escrow Account, including, but not limited to, all interest accrued on the account and all disbursements made, if any.

IT IS SO ORDERED.

Dated this 18th day of October, 2007.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge
United States District Court